

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

PAUL C. BOLIN,

Plaintiff,

No. C 14-4087 PJH (PR)

vs.

ORDER OF DISMISSAL

STATE OF CALIFORNIA, et. al.,

Defendants.

Plaintiff, a condemned prisoner at San Quentin State Prison, has filed a pro se civil rights complaint under 42 U.S.C. § 1983. He has been granted leave to proceed in forma pauperis. Plaintiff filed this case in the United States District Court for the District of Columbia which transferred the case to this court. However, court records indicate that plaintiff filed nearly the exact same complaint in this court in case No. C 14-3609 PJH (PR). The court dismissed case No. C 14-3609 PJH (PR) for failure to state a claim. Both cases involve the procedures and length of time for litigating death penalty cases in state and federal court in California. In case No. C 14-3609 PJH (PR) plaintiff was seeking money damages from his court appointed attorneys and his federal habeas action is still pending in another court.

While this case contains the same allegations and the same legal arguments, it names different defendants, the State of California, Governor Brown, and Attorney General Harris. Plaintiff seeks money damages and essentially to declare the death penalty invalid. The court also notes that plaintiff has filed several cases in this and other districts regarding the procedures and length of death penalty cases. See, e.g., *Bolin v. Brown*, No. 1:12-cv-0077 LJO GSA (E.D. Cal. Aug., 23 2012), affirmed in *Bolin v. Brown*, No. 12-17079 (9th Cir. Sep. 9, 2013); *Bolin v. Chappell*, No. 1:13-cv-0498 LJO (E.D. Cal., July 19, 2013), writ

1 of mandamus denied in *Bolin v. Chappell*, No. 13-72462 (9th Cir July, 7, 2014). This action
2 is dismissed for the same reasons set forth in case No. C 14-3609 PJH (PR), *Bolin v.*
3 *Brown*, No. 1:12-cv-0077 LJO GSA (E.D. Cal. Aug., 23 2012), and *Bolin v. Chappell*, No.
4 1:13-cv-0498 LJO (E.D. Cal., July 19, 2013). To the extent plaintiff seeks to challenge his
5 conviction, his federal habeas petition is proceeding in another court where he is
6 represented by counsel. To the extent plaintiff seeks money damages arising from his
7 conviction, that claim is barred by *Heck v. Humphrey*, 512 U.S. 477 (1994), as has been
8 explained in prior cases and appeals brought by plaintiff.

9 CONCLUSION

- 10 1. This action is **DISMISSED** for failure to state a claim.
- 11 2. Plaintiff's motions to file additional exhibits and to withdraw the complaint (Docket
12 Nos. 7, 8) are **DENIED** as moot.
- 13 3. The Clerk shall close this case.

14 **IT IS SO ORDERED.**

15 Dated: September 24, 2014.



PHYLLIS J. HAMILTON
United States District Judge

17 G:\PRO-SE\PJH\CR.14\Bolin4087.dis.wpd